Petitioner . . . . . . . . . . . . .

The Potitioner herein requests a variance to permit a lot width of 60 feet in lieu of the required 80 feet for a two-family dwelling on the subject property zoned D.R. 5.5 in accordance with Petitioner's Exhibit 1.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner appeared and testified. Also appearing on behalf of the Potition were Gerald G. Altman, Jr., and Helen Mervis. Numerous residents of Colonial Village appeared in opposition. Kerry A. and Brian Deffers were designated spokespersons for the group.

Testimony indicated that the subject property known as 6950 Deerfield Road, consists of 32,382 sq.ft. zoned D.R. 5.5 and is improved with a two-story dwelling which has been Petitioner's residence for the rest 29 and 1/2 years. Petitioner is desirous of creating an apartment within the subject dwelling to enable ner to continue residing in the subject property due to a change in her economic situation. She indicated that she is divorced, lives alone and considers herself "house rich and cash poor". Petitioner testified she has taken many steps to preserve and protect property values and upgrade the area. The unequivocal testimony presented by both sides indicated that Petitioner has been a tremendous asset to the community. Petitioner testified it is ner belief that her situation is unique in that no other lot in Colonial Village is of the

subject size. She further testified that duplexes are not new to Colonial Village as there are a number in existence from the original development. Petitioner testified in her opinion the granting of the relief requested will not increase traffic or result in any detriment to the health, safety or general welfare of the surrounding community. She noted that she is a walker, not a driver. Further, Petitioner pointed out that the Board of Directors of Colonial Village and Improvement Association passed a motion wherein the Association declined to take a position regarding the instant Petition for Zoning Variance.

Testimony presented by the Protestants indicated they do not believe the Petitioner's situation is unique in that many long-time residents, or those on limited incomes, would find themselves in similar situations as their families decrease in size. A signed Petition of residents in opposition was introduced and marked Protestant's Exhibit 1. The Protestants contend that the granting of the relief requested would be detrimental to the community. The comments of the Office of Planning dated March 20, 1991 recommended denial of the request indicating the "community immediately impacted by the proposed use does not support the request for a two-family dwelling."

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the

- 2-

district or whether a lesser relaxation than that

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

After due consideration of the testimony and evidence presented,

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS OBDERED by the Deputy Zoning Commissioner for Baltimore County this \_\_\_\_\_\_day of May, 1991 that the Petition for Zoning Variance to permit a lot width of 60 feet in lieu of the required 80 feet for a two-family dwelling on the subject property zoned D.R. 5.5, in accor-

- 3-

\_ M No tour can Deputy Zoning Commissioner for Baltimore County

applied for would give substantial relief; and

public safety and welfare secured.

there is insufficient evidence to allow a finding that strict compliance with the regulations would unreasonably prevent the use of the property for a use permitted. Financial or economic hardships alone are insufficient grounds for considering a variance request. The Petitioner has failed to show that compliance would unreasonably prevent the use of the property. Therefore, the variance requested must be denied.

dance with Petitioner's Exhibit 1, be and is hereby DENIED.

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: Variance from Section 402.1 To permit a lot width of Go' in lieu of the required so for a two. family dwelling IN A DR. 5.5 ZONE

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The peculiar shape of the property (diamond shape) at the end of a cul-de-sac causes the property to be 65' wide instead of the required 80% Otherwise, the property meets all requirements for a two. family

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property

Contract Purchaser:	Charlette H. Scherk (Type or Print Name)	- E-Z
(Type or Print Name)	(Type or Print Name)	1 /3/2
Signature	Signature	BF
Address	(Type or Print Name)	. 0
City and State	Signature	4-7900
Attorney for Petitioner:	(w) 769 6950 Deer Siel Rd (H) 48 Address Phone No.	2-6694
(Type or Print Name)	Baltimore MD 21208	
Signature	City and State	

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day

of \_\_\_\_\_\_\_, 19\_\_\_\_\_, that the subject matter of this petition be advertised, as required by the Zoming Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

AVAILABLE FOR HEARING

AVAILABLE FOR HEARING

NON. TUES. /NTD. - NEXT TWO MOTTES

OTHER

OTHER DATE 1-14-91

zoring Description Beginning at a point on the south Jaide of Deerfield Road which is a cul-de-son at The distance of 830' + south

of the certicaline of Colonial Road. Being Lot 170A in the resubdivision of Lots 170 + 171 Colorial Village as recorded in Batterne County Plat Book Gib #19 Folio #26 Containing . 743 acre. also known as 6950 Deefield Road located in Electer District 3.

41-316-A

T 779.

ZONING DESCRIPTION

SEIVED FOR

AMN:bjs

BEING known and designated as Lot No. 170A, as shown on the plat of "Re-subdivision of Lots Nos.170 and 171, Colonial Village", which plat is recorded among the Plat Books of Baltimore County in Plat Book GLB No.19 folio 26. The improvements thereon are known as No.6950 Deerfield Road.

91-316-4

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Posted for: Walters	Date of Posting 3 - 11 - 21
Positioner Chawarts R 601	1
Location of property: 5/5 7/ Color Color	12 - Dag 8-30 S 35 The
Location of Signer Colon Start Top 15 15	To Dec Field Wood
Remarks:	
Posted by	Date of return:

CERTIFICATE OF PUBLICATION

public hearing on the property identified herein in Room 108 of farlance: to permit a lot width

f 60 ft. in lieu of the required 60 for a two family dwelling in a

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive 

THE JEFFERSONIAN

5. Zehe Orlin

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

887-3353

May 6, 1991

RE: PETITION FOR ZONING VARIANCE S/S Deerfield Road, 830' S of the c/l of Colonial Road (6950 Deerfield Road) 3rd Election District - 2nd Councilmanic District Charlotte H. Scherr - Petitioner

Dear Ms. Scherr:

111 West Chesapeake Avenue

Ms. Charlotte H. Scherr

Pikesville, Maryland 21208

Case No. 91-316-A

6950 Deerfield Road

Towson, MD 21204

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

an M Nistrane ANN M. NASTAROWICZ for Baltimore County

Deputy Zoning Commissioner

People's Counsel

7008 Deerfield Road, Baltimore, Md. 21208

cc: Mr. & Mrs. Brian Jeffers

CERTIFICATE OF PUBLICATION

and the second s

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Naryland before the 14th day of

the first publication appearing on the 13th day of Mond the second publication appearing on the day of

the third publication appearing on the

Cost of Advertisement #20

ners up to \$339 per wek. Amazing accorded message reveals details.

486-2171

all 1-865-682-7555, ext. P-1240

PERSONALS

BUSINESS SERVICE RESUMES-Professionally com-PART TIME posed, edited, prints, cover letters & disk storage. General typing available. 655-5707. Clerk and/or working superviso Day shift & some evenings BUSINISS avail. Ice cream store, Smith Av Ask for Mrs. Rabinek

OPPORIUNITY Call blurs. 11-5 Mon.-Fri. \$ MLM PROS \$ OF JOIN US OF TIMING IS EVERYTHING POSTAL JOBS AVAILABLE Many positions. Great benefits.

Pre launch oppty, ground floor well estab co has newly patente Italian sheer, no-run panty hose, as seen on TV and Parade Mag. Fast paced, easy concept. FREE sign up. NO COMPETITION. Market over 100 million pair wkly \$\$ 59% comm. in 10 levels. 1-800-688-5395 ATENNAL - Behimose's only per-mined Jewish introduction service, 21-121. Call 1-800-462-9050. HELP WANTED

BOOKKERPHIG, banking, personal matters handled professionally for small businesses, individuals & senior citizens. Excellent references.

BASY WORK! Excellent pay!
Assemble products at home. Call for information. 1-504-641-8003, ext. BANTIE CITY-April 21-22,

TOWNMOUSE—Owings area. Everything included acept bedroom furniture. Strictly kosher home. \$300/month. Call \$26-7720. Leave message.

LEGAL NOTICE BALTIMORE COUNTY GOVERNMENT ZONING COMMISSIONER OFFICE OF PLANNING AND ZONING

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public heering on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Meryland 21204 as follows:

Case Number: 91-316-A
S/S of Cul-de-see, 830' S of c/I Colonial Road 6850 Deer Field Road
3rd Election District—2nd Councilmanic Petitioner(s): Charlotte H. Scherr
Heering: Tuesday, April 9, 1991 at 2 p.m.
Variance to permit a lot width of 60 ft. in lieu of the required 80 ft. for a two family dwelling in 8 D.R.5.5. zone. LEGAL NOTICE

Seeled proposals addressed to Baltimore

County, Marytand for the following contract will be received from prequalified bidders in Suite 412, Courts Building, 401 Soaley Acrist. Towson, MD 21204, until the time specified on the contract, THURSDAY, APRIL 4, 1991 at which time they will be publicly opened and CONTRACT NO: 91056 WXO

receipt

Account: R-001-6150 Number

H9100279

FUBLIC HEARING FEES PRICE 010 -ZONING VARIANCE (IRL) \$35.00 TOTAL: \$35.00

LAST NAME OF OWNER: SCHERR

04A04#0047MICHRC

Please Make Checks Payable To: Baltimore 94445089:32AM01/17/91

tqi eəən

\$35.00

**Baltimore County** Zoning Commisioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

litimore County **Zoning Commissioner** County Office Building 111 West Chesapeake Avenue

1/14/91

Account: R-001-6150

0-404#0133MILHRC Please Make Checks Payable To: Baltimore County001:379/n04-09-91

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

FEB 2 1 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-316-A S/S of Cul-de-sac, 830' S of c/l Colonial Road 6950 Deer Field Road 3rd Election District - 2nd Councilmanic Petitioner(s): Charlotte H. Scherr HEARING: TUESDAY, APRIL 9, 1991 at 2:00 p.m.

Variance to permit a lot width of 60 ft. in lieu of the required 80 ft. for a two family dwelling in a D.R.5.5 zone.

J. Robert forinea

JED: jw

Enclosures

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning



March 29, 1991

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Ms. Charlotte H. Scherr 6950 Deerfield Road Baltimore, MD 21208

> RE: Item No. 279, Case No. 91-316-A Petitioner: Charlotte H. Scherr Petition for Zoning Variance

Dear Mr. & Mrs. Scherr:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 30th day of January , 1991.

ZONING COMMISSIONER

Petitioner: Charlotte H. Scherr Petitioner's Attorney:

Baltimore County Government Department of Public Works Bureau of Traffic Engineering

Baltimore County Government Zoning Commissioner

Office of Planning and Zoning

Please be advised that \$77.83 is due for advertising and posting of the above

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR

THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign &

Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert frances

post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113,

111 West Chesapeake Avenue

Towson, MD 21204

DATE: 3/26/91

Charlotte H. Scherr

6950 Deerfield Road Baltimore, Maryland 21208

Case Number: 91-316-A

6950 Deer Field Road

Dear Petitioner(s):

captioned property.

OF THE HEARING.

J. ROBERT HAINES ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

S/S of Cul-de-sac, 830' S of c/l Colonial Road

HEARING: TUESDAY, APRIL 9, 1991 at 2:00 p.m.

3rd Election District - 2nd Councilmanic

Petitioner(s): Charlotte H. Scherr



401 Bosley Avenue Suite 405 Towson, MD 21204

Fax 887-5784

887-3353

February 14, 1991

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 278, 279, 280 282, 283 284, 285, 286, and 287.

Very truly yours,

Traffic Engineer Associate II

MSF/lvd

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner DATE: March 20, 1991

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Charlotte H. Scherr, Item No. 279 AMENDED COMMENT 91-316-A

On March 13, 1991, staff inadvertently submitted correspondence to the zoning commissioner indicating that in reference to the subject case we had no comment. Based on a review of the information provided, the instant case causes this office some concerns and the following comments are offered:

The community immediately impacted by the proposed use does not support the request for a two-family dwelling.

- The applicant's site is located within the Community Conservation section of Pikesville.

Under the heading of Community Development, the Baltimore County Master Plan addresses the issue of community planning and conservation with the following policy statement: "Baltimore County's planning efforts should be focused on new as well as existing communities to ensure that the County's built environment provides desirable places for its citizens to live and work. The quality life in existing communities should be protected by active, considerate, and cooperative efforts of County government and community improvement organizations."

Based upon the analysis conducted, staff recommends the petitioner's request be denied.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM279.AMD/ZAC1



Baltimore County Government Fire Department

JANUARY 28, 1991

700 East Joppa Road, Suite 901 Towson, MD 2120 i-5500

(301) 887-4500

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building

Towson, MD 21204 CHARLOTTE H. SCHERE RE: Froperty Owner:

Item No.: 279

#6950 DEER FIELD ROAD Location: Zoning Agenda: JANUARY 29, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Cat Cost Walker & Breder Did

Planning Froup

Special Inspection Division

JK/KEK



PARTITIONS COMMITTED MARYLANDS INTERPRETAR COLUMNOROUS NOE

TO: Zoning Advisory Competition DATE: February 4, 1991 FROM: Robort W. Couling, for

RE: Zening Advisory Committee Meeting - for January 22, 1921

The Developens Enginerating Division has reviewed the subject coming items and we have no comments for Itema 278, 279, 280, 385, 385, 386 and 287. For Items 202, the proviews County Residue Group Comments are still appliable.

For Item 200, this wis most be committed through the minor subdivinion process by previous and ecomolis.

\*\*Contain R. Powling, P.E. Chief Dela Superior Englines ring Pivinion

To the nowing Board: My wife and I have treen residents of Colonial Village Au ce 1986. We live at 7002 Plymouth Rd. I am on the Board of the Colonial Vidlage I suprovement Association. We are opposed to the onversion of the house located at 1950) leafreed Ad your a single yamily dwelling but wito a multiple-Camily unit We seef that Holonial Willage was Mesigned as a development of Engle family homes and has been a strong community since its luception due to the maintanence and care of The perpendies by the Lomeowners. Colonial Village is made up of otry runsow streets and has a recurrent water preserve problem, which is Widily known by residents hi the community. It would not be wise to allow a conversion of a Thomas hito apartments which would set a precedent for future conversions and a I worsening of problems with traffic and water pressure

Whereby give this statement in textimoney opposing the conversion of 6950 Deerfield Rd from Its current status, lue are geoing Mrs. Jeffers or her designee the regat to read this tostament Viefore The Joning Board on Tuesday, April 9, 1991.

Subscribed and awarn to Respectfully before me this Sthday
OF April, 1991.

My Carm. Levy Affect Mike Leaves

Kathleen L. Labora MOLL Dear Freld Road 21208 JERROLD APPELISHED 7664 DEERFIERS ROAD 21268 Bright Jeffels 7000 Deer feeld Royal 2,208 DAM Shemer HICH LOWELL BORNE 21708 Cele Rund 4215 Colonial Rd 21208 tRuo id SpiliAx 4104 Old Pollford Poll Ct 21708 INIFRED KRIMMEL was DEENFIELD RA 21208 POBERT N. KRIMMEC Susan Koberts 7031 CONCORD RD 21208-HILDA MOHR 7006 PLYMOUTH RD 21205 7017 PLYMOUTH RO. 21208 7103 Deerfield Rd 21208 Betty Echaus 4208 Colonial Read 21208

PROTESTANT(S) SIGN-IN SHEET

7005 Deerfield Road INOS

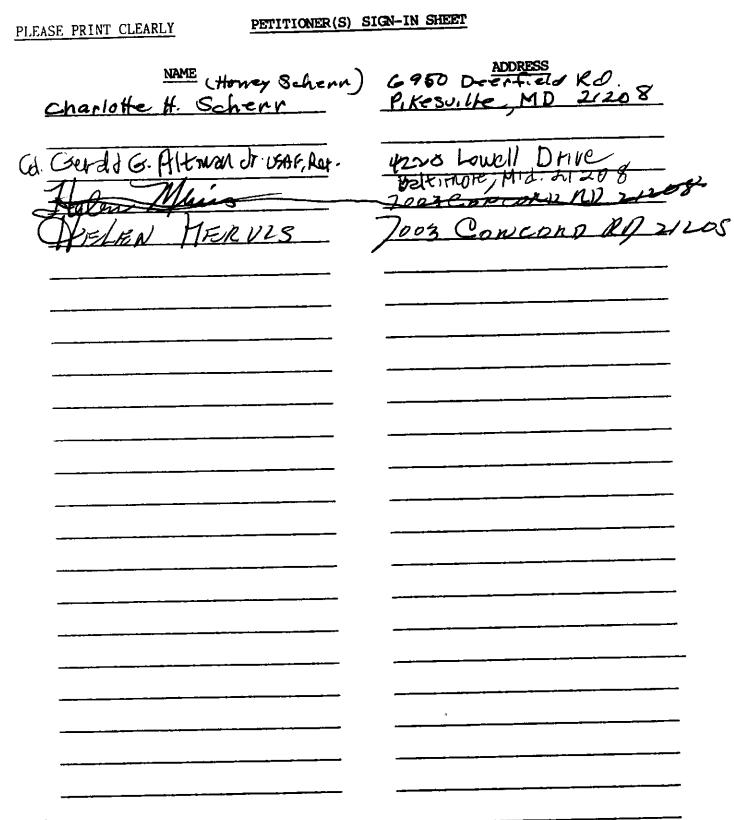
PLEASE PRINT CLEARLY

& Kerry A. Tellers

## PROTESTANT'S

WE, THE UNDERSIGNED, being adult residents of the Colonial Village Community, do hereby oppose the granting of a variance as requested by Honey Scherr in Case number 91 316 A on file with the Baltimore County, Maryland Office of Zoning; specifically, for the conversion of the

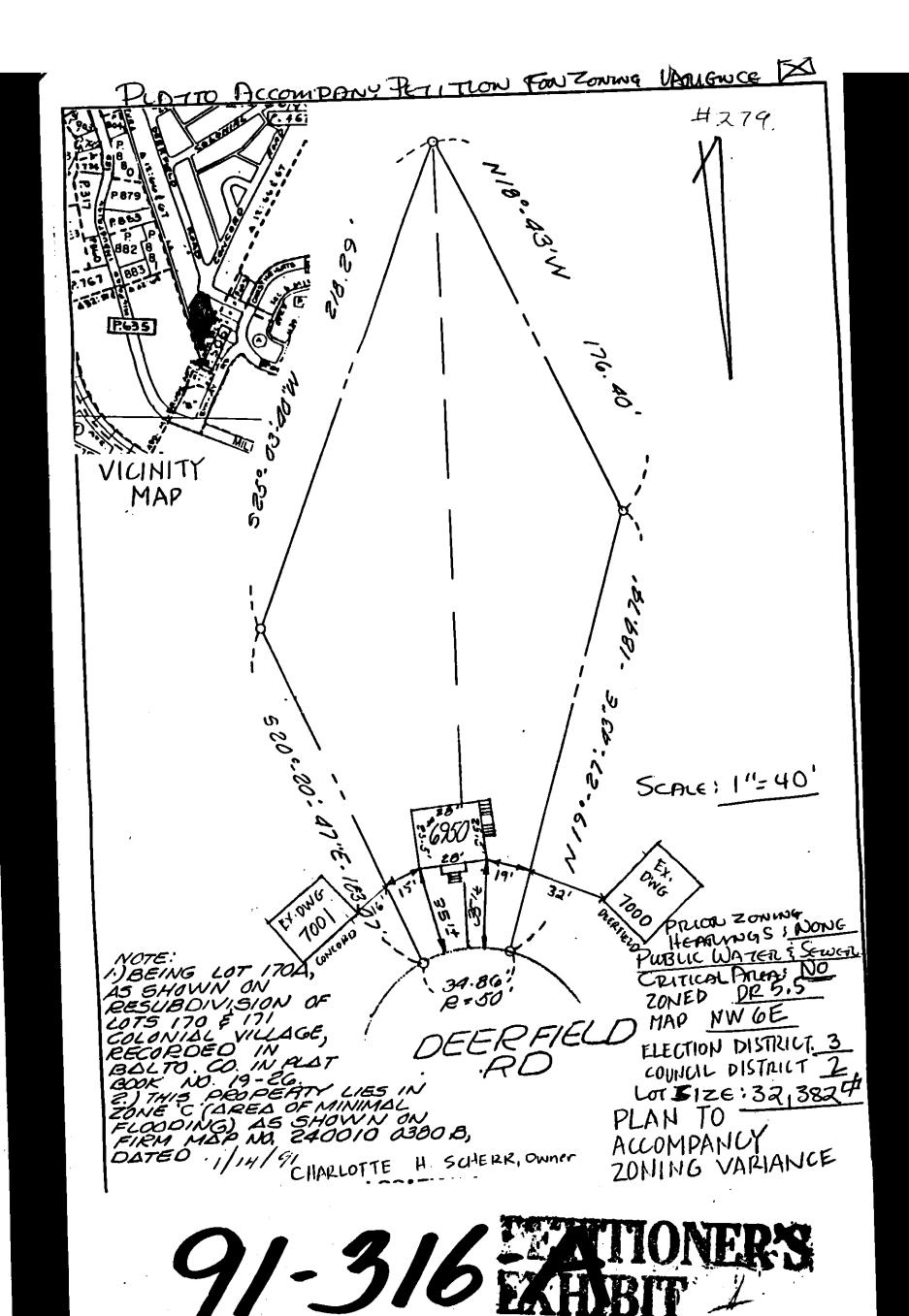
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## <u>PETITION</u>

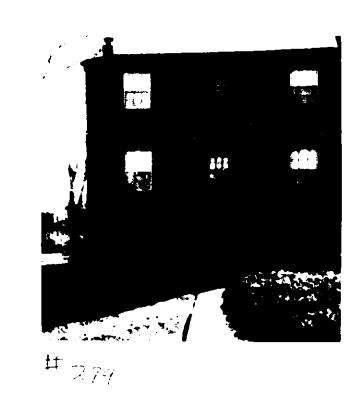
WE, THE UNDERSIGNED, being adult residents of the Colonial Village Community, do hereby oppose the granting of a variance as requested by Honey Scherr in Case number 91 316 A on file with the Baltimore County, Maryland Office of Zoning; specifically, for the conversion of the residence known as 6950 Deerfield Road into apartment dwellings.

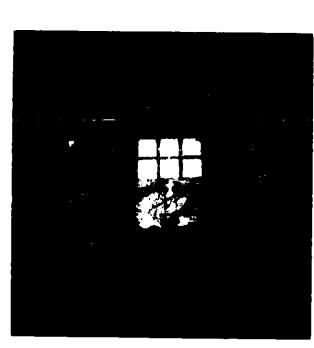
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CASE #: 91-316-A







PETITIONER'S

CASE #: 91-316-A



5ide basement #279 entrance



# Side basement 279 Entrance

PETITIONER'S

PROTESTANT(S) EXHIBIT (3)



April 9, 1991

My name is Honey Scherr, also known as Charlotte H. Scherr on my deed. My address is 6950 Deerfield Road, Pikesville, MD 21208.

I have lived at this address for  $29\frac{1}{2}$  years and I would like to live in this community -- Colonial Village -- for the rest of my

For the past twenty-five years, I have served on the board of directors of the Colonial Village Improvement Association. I served as president of the association from 1979-1982 and recently was nominated to serve another term as president for the

As a member of the community, I have always worked diligently to preserve and protect property values and to upgrade the area i.e., sidewalks, lighting, etc.

I moved into this community as a young bride and my two children were born and raised here. I am now divorced and live alone. As a result, I am house rich

and cash poor. I am petitioning for a variance to create an apartment within

my existing home. According to the location survey done by Spotts, Stevens & McCoy, Inc., I meet the required density specifications in a D.R. 5.5 zone. My lot is .743 of an acre -- the largest in Colonial Village. My situation is unique because no other lot in Colonial Village meets these

requirements. The granting of this variance would not set a precedent. Duplexes are not new to Colonial Village. They were incorporated into the original development by the builder, William Chew, and they still

exist today. The proposed unit would not increase traffic nor would it exacerbate the problem of water pressure.

